

04-26-05

JPW \$



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
Attorney Docket No. 14366US02

In the Application of:

Ronald L. Mahany and
Stephen J. Kelly

U.S. Serial No.: 10/646,318

Filed: August 22, 2003

For: HAND-HELD DATA CAPTURE
SYSTEM WITH
INTERCHANGEABLE MODULES

Examiner: Tremblay, Mark Stephen

Group Art Unit: 2876

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on April 25, 2005.

By: Ronald Spuhler
Ronald H. Spuhler
Reg. No. 52,245

Express Mail Label No. EV 218986964 US

PETITION UNDER 37 CFR § 1.48(a)

The applicants respectfully petition the Director, under 37 CFR § 1.48(a), to correct the inventive entity for the present application.

As mentioned in more detail in Applicants' concurrent Petition Under 37 CFR §1.47(a), Broadcom Corporation acquired all rights in the present application from Intermec Technologies. All relevant assignment documents transferring rights from the named inventors to Broadcom are attached as Exhibit A.

In connection with the filing and prosecution of this case, Broadcom attempted to contact numerous Intermec employees to confirm the proper inventive entity for the claimed invention. On October 20, 2004, Applicants submitted its response to the Notice of Informal Application, which included a Supplemental Oath executed by two joint inventors – Ronald Mahany and Stephen Kelly. A copy of this oath is attached as Exhibit B.

Broadcom's diligence, however, has uncovered that a third inventor, Keith Cargin, should be named as an inventor in the present application. However, as described in further detail in Applicants' concurrent motion, Mr. Cargin has refused to sign an oath. Accordingly, Applicants were forced to petition to proceed without Mr. Cargin's involvement. In the event that the Patent Office grants Applicants' petition under 37 CFR

04/27/2005 HBIZUNES 00000002 130017 10646318 08/11/2005 AKELLEY 00000019 130017 10646318
01 FC:1464 130.00 DA 01 FC:1463 200.00 DA

Adjustment Date: 08/11/2005
04/27/2005 HBIZUNES 00000002 130017
01 FC:1464 130.00 CR